



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

MEMORANDUM

TO: Philip E. Stutzman, Director of Compliance
FROM: Vicki Rippie, Executive Director
DATE: October 1, 2008
SUBJECT: Complaint – Officials, City of Bellevue Parks Department

RCW 42.17.130 prohibits local elected officials and any person appointed to or employed by any public office or agency from using or authorizing the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. The law contains an exception for activities which are part of the normal and regular conduct of the office or agency.

WAC 390-05-271 states that RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses, or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

WAC 390-05-273 defines “normal and regular conduct” as conduct which is 1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and 2) usual, i.e., not effected or authorized in or by some extraordinary means or manner.

Summary:

On July 28, 2008, the Bellevue City Council approved an ordinance authorizing a ballot proposition for the November 4, 2008 general election that seeks to lift the lid on property taxes levied for the city’s public park system. The measure was assigned the number Proposition 1 for the City of Bellevue ballot.




On August 25, 2008, PDC staff received information from a citizen (**Exhibit 1**) indicating that Patrick Foran, Director of the Bellevue Parks Department for the City of Bellevue, and Doug Sanner, Bellevue Parks Department Fiscal Manager, may have violated RCW 42.17.130 based on the following assertions that:

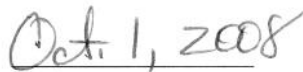
- In the winter and summer of 2008, the City of Bellevue Parks Department sponsored public opinion polling (**Exhibits 2 and 3**) that:
 - Targeted registered voters;
 - Sought information concerning the voting preferences and habits of survey respondents, with specific attention to a potential bond or levy measure for city parks;
 - Sought to determine the level of taxation that would be supported by voters in the city; and
 - Attempted to identify persuasive themes and messages in support of, and in opposition to, a potential parks measure.
- The City of Bellevue provided records related to this opinion research (**Exhibits 4 and 5**), and records related to city contractors (**Exhibit 6**), to the Bellevue Parks Yes Campaign Committee in support of the Proposition 1 levy lid lift; and
- City of Bellevue staff discussed planned city communications on Proposition 1 with the Bellevue Parks Yes Committee so that communications could be coordinated with the committee's political advertising (**Exhibits 1 and 7**).

Alleged Violations:

The facts referenced above provide reason to believe that Patrick Foran, Director of the Bellevue Parks Department for the City of Bellevue, Doug Sanner, Bellevue Parks Department Fiscal Manager, and possibly other Parks Department employees, may have violated RCW 42.17.130 by using city facilities for the promotion of Proposition 1, including the coordination of city activities with the Bellevue Parks Yes Committee.

Based on this information, I am filing this complaint and directing staff to investigate the allegations that officials and employees of the City of Bellevue Parks Department may have violated RCW 42.17.


Vicki Rippie
Executive Director


Date

EXHIBITS LIST

- Exhibit 1** Letter received from Steve Finley on August 25, 2008.
- Exhibit 2** "2008 Bellevue Parks Voter Initiative Survey" Topline Report, March 2008, Elway Research.
- Exhibit 3** "Bellevue Parks Department Parks Survey Proprietary Report," June 2008, Elway Research.
- Exhibit 4** July 24, 2008 email from Karen Roper, campaign manager for the Bellevue Parks Yes Committee, to Steve Finley, forwarding polling information.
- Exhibit 5** August 5, 2008 email from Doug Sanner, City of Bellevue Parks Fiscal Manager, to Steve Finley, concerning use of polling information for campaign messaging.
- Exhibit 6** Email exchange on August 5 – 7, 2008 between Steve Finley, Karen Roper, and Patrick Foran, concerning lists of vendors used by the City of Bellevue.
- Exhibit 7** August 16, 2008 email from Karen Roper to Steve Finley, concerning coordination of city and campaign committee efforts.